

**RESOLUTION NUMBER 2009-027**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD AMENDING CONDITIONAL USE APPROVAL FOR RESOLUTION 2001-027 FOR PROPERTY LOCATED AT 527 DUVAL STREET (RE# 00009650-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the subject property is located in the Historic Residential Commercial Core/Duval Street Gulfside District (HRCC-1); and

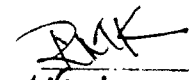

**WHEREAS,** Section 122-63 (e) of the City Code of Ordinances allows applicants to request revisions or additions to be made to conditional use approvals; and

**WHEREAS,** revisions or additions to a conditional use shall be reviewed based on the criteria of Section 122-62 (b) and (c) of the City Code of Ordinances; and

**WHEREAS,** the proposal would permit the existing Walgreen's Drug Store to sell beer and wine, which is otherwise prohibited in Planning Board Resolution 2001-027; and

**WHEREAS,** this matter came before the Planning Board at a duly noticed public hearing on July 16, 2009; and

**WHEREAS,** the granting of the conditional use will be in harmony with the general

  
Chairman  
  
Planning Director

purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

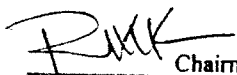

**WHEREAS**, the approval of this conditional use application is consistent with the criteria in the Code;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That the revision to Resolution 2001-027, pursuant to 122-63 (e) , under the Code of Ordinances of the City of Key West, Florida, to allow the existing retail store to sell beer and wine, is hereby approved for property located at 527 Duval Street (RE# 00009650-000000); as shown in the attached plans dated July 7, 2009, with the following conditions of approval:

1. The alcoholic beverages for sale shall be limited to beer and wine.
2. Alcoholic beverage sales shall be limited to the hours prescribed in Key West Code Section 18-27, as presently existing.
3. No single beer or broken beer packages, no wine coolers, or similar single servings sold.

  
Chairman  
  
Planning Director


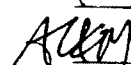
4. No glass alcohol sold during City Commission-approved events with street closings within 300 feet.

**Section 3.** This conditional use approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 4.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 5.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

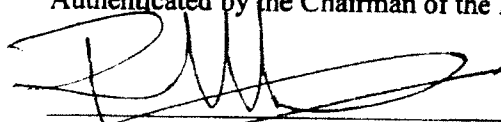
**Section 6.** It is a requirement of this conditional use that full, complete, and final

 Chairman  
 Planning Director

application for all permits required for any new construction for any use and occupancy for which this conditional use is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this conditional use, shall be submitted in its entirety within twelve months after the date hereof; and further, that no application or reapplication for new construction for which the conditional use is wholly or partly necessary shall be made after expiration of the twelve month period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Read and passed on first reading at a regular meeting held this 16th day of July, 2009.

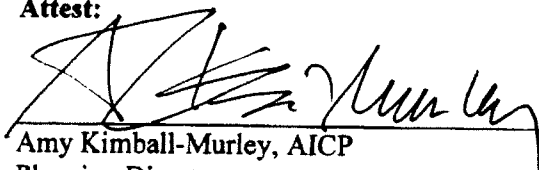
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

JULY 22, 2009  
Date

Attest:



Amy Kimball-Murley, AICP  
Planning Director



July 23, 2009  
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

July 23, 2009  
Date

 Chairman  
 Planning Director

